

SEALED

FILED

United States District Court

MAR 12 2015

NORTHERN

DISTRICT OF

TEXAS
CLERK, U.S. DISTRICT COURT

By

Deputy

UNITED STATES OF AMERICA

V.

COMPLAINT

GARY ANTHONY COLE

CASE NUMBER: 3-15-MJ- 158 BK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 29, 2014, in the Fort Worth Division of the Northern District of Texas, defendant(s) did,

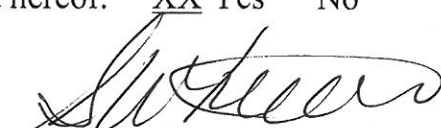
knowingly deposit in an authorized depository for mail matter, to be sent and delivered by the Postal Service, a communication, addressed to C.A. and containing a threat to injure another person,

in violation of Title 18, United States Code, Section(s) 876(c).

I further state that I am a(n) United States Postal Inspector with the United States Postal Inspection Service (USPIS) and that this complaint is based on the following facts:

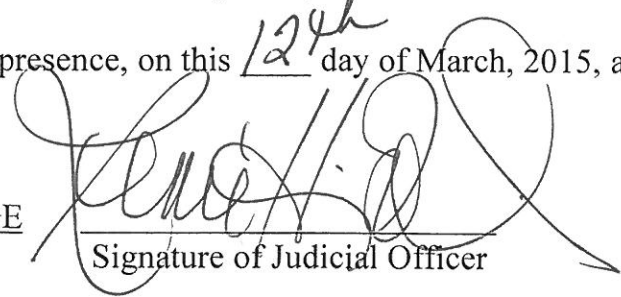
See attached Affidavit of Postal Inspector Stacey Whitehead, (USPIS) which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: XX Yes No


Signature of Complainant
STACEY WHITEHEAD
Postal Inspector, USPIS

Sworn to before me and subscribed in my presence, on this 12th day of March, 2015, at Dallas, Texas.

RENÉE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION
DALLAS

UNITED STATES OF AMERICA

v.

GARY ANTHONY COLE (01)

3
No. 4:15-MJ - 158 BK

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about January 29, 2015, in the Fort Worth Division of the Northern District of Texas, the defendant, Gary Anthony Cole, knowingly did deposit in an authorized depository for mail matter, to be sent and delivered by the Postal Service, a communication, addressed to C.A. and containing a threat to injure another person, all in violation of 18 U.S.C. § 876(c) (Mailing Threatening Communications).

1. I am a United States Postal Inspector with the United States Postal Inspection Service (USPIS), and have been so employed for 9 years. I am currently assigned to the Prohibited Mail and Narcotics Team. I am responsible for investigating narcotics and other prohibited items transported through the United States Postal Service. The statements contained in this affidavit are based on information I have learned through my personal participation in this investigation, from records, documents, and other evidence obtained during this investigation, from oral and written reports of other law enforcement officers; and from my experience and training as a law enforcement officer. Since this affidavit is being submitted for the limited purpose of establishing that Gary Anthony Cole committed a violation of 18 U.S.C. § 876(c), I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that a violation of 18 U.S.C. § 876(c) occurred.

2. This Affidavit is made in support of a criminal complaint for Gary Anthony Cole, who is currently in custody of the Bureau of Prisons and housed at the Federal Correctional Institution, 3150 Horton Drive, Fort Worth, Texas (hereafter FCI Fort Worth).

3. On or about January 29, 2015, while incarcerated in the Special Housing Unit at FCI Fort Worth, Cole drafted a letter to C.A., identified as Cole's mother. The letter stated, "I need all the money I can get to get me some guns to start killing these white

motherfuckers! I don't want to be around you all no more. I am tired of you and your brother. You put you money in that church and can't get help. I will kill that bitch ass nigger. I don't want to be around that bullshit no more. I can't wait to join and fight with my brother." Cole placed the letter into an envelope addressed to C.A., which included Cole's return address information and proper postage.

4. Cole then deposited the letter with the Detention Officer working that evening to be placed in the United States Mail stream. The Detention Officer identified the threat and sent the letter for further review by supervisors.

5. Investigators have learned that, per the policy of FCI Fort Worth, inmates housed in the Special Housing Unit must first deposit with the Detention Officer, any outgoing mail intended by the inmate for placement into the United States Mail stream and delivery by the United States Postal Service.

6. The aforementioned letter was drafted the same day as another letter drafted by Cole addressed to B.W., Cole's Unit Manager. An excerpt of this letter is as follows: "If I am not released on 2-16-15, I assure you when I am released I will and still is going on a killing spree, all white peoples. My mind is made up. Allah's Slave (Abdullah)."

7. Additional letters with threatening statements were drafted and submitted for mailing to the Detention Officer including one written on February 8, 2015, addressed to C.A. Cole wrote in-part the following: "I got to kill me a lot of white motherfuckers (kids, babies and all).... All I need is a few dollars to get me some guns to go to war.....These white motherfuckers have changed my release date to 3-11-15. Which is cool. Just makes me kill more of them."


8. On March 9, 2015, USPIS Inspectors interviewed B.W., Unit Manager for the Special Housing Unit at FCI Fort Worth. During a conversation with B.W., Cole stated he was trying to get a gun and wished for a gun fight with law enforcement. B.W. explained that Cole has a deep hate for white people.

9. On March 9, 2015, USPIS Inspectors interviewed Cole. Cole admitted to writing each of the five letters presented containing threatening language. The Inspectors explained to Cole that his interview was voluntary and he was free to end the interview at any time. When asked about the letters, Cole told Inspectors, "There ain't no threats in there. If it's something illegal, then indict me for it or whatever." Cole was asked how he would characterize his statements, which specifically stated he was going to kill people. He replied, "It ain't no threat. That's a promise! Just like they are killing our babies, I'm gonna kill some of theirs. You can take it how you want to then!" Inspector Galloway asked Cole directly if he intended to hurt anyone. Cole answered, "I gotta do what I got to do!" Cole explained his mother's brother was the pastor of the church where his mother

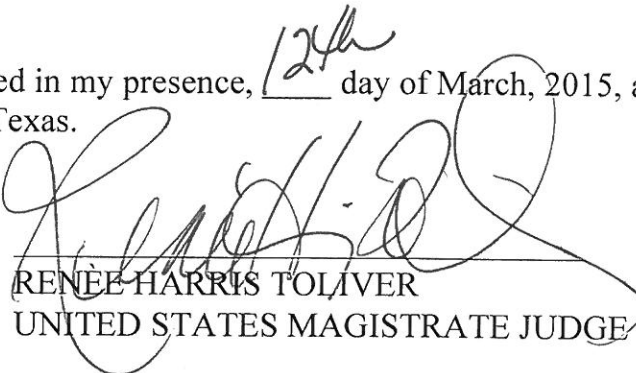
attends. He does not approve of the church, his uncle or his mother giving the church money. Inspector Galloway asked Cole if he meant what he wrote about his uncle, "I will kill that bitch ass nigger." Cole shook his head up and down indicating yes.

Based on the foregoing, I respectfully submit that there is probable cause to believe that on or about January 29, 2015, in the Fort Worth Division of the Northern District of Texas, the defendant, Gary Anthony Cole, knowingly did deposit in an authorized depository for mail matter, to be sent and delivered by the Postal Service, a communication, addressed to C.A. and containing a threat to injure another person, all in violation of 18 U.S.C. § 876(c) (Mailing Threatening Communications)

03/12/2015
Date


Stacey Whitehead
United States Postal Inspector

Sworn to before me and subscribed in my presence, 12th day of March, 2015, at 3:30 ~~am~~ p.m. in Fort Worth, Texas.


RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE